

A-6350 (a & b) (Special Permit Requests)

a) Construct two (2) proposed wood lattice fence panels that would measure a maximum of eight feet, six inches (8'-6") in height in the west (side) yard of the property; and

b) Replace and widen an existing asphalt driveway, a portion of which would measure a maximum of twenty feet, three and one-half inches (20'-3 1/2") in width.

Peter and Meredith Wellington
18 West Lenox Street

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JUNE 10, 2013 MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 6/6/2013
SUBJECT: HEARING OF APPEAL CASE NO. A-6350 SPECIAL PERMIT REQUESTS
PETER AND MEREDITH WELLINGTON, 18 WEST LENOX STREET
A) CONSTRUCT TWO (2) PROPOSED WOOD LATTICE FENCE PANELS THAT WOULD MEASURE A
MAXIMUM OF EIGHT FEET, SIX INCHES (8'-6") IN HEIGHT IN THE WEST (SIDE) YARD OF THE
PROPERTY; AND
B) REPLACE AND WIDEN AN EXISTING ASPHALT DRIVEWAY, A PORTION OF WHICH WOULD
MEASURE A MAXIMUM OF TWENTY FEET, THREE AND ONE-HALF INCHES (20'-3 1/2") IN WIDTH.

CASE SYNOPSIS:

- (a) The Applicants seek to install on either side of a mature tree two (2) fence panels measuring eight feet, six inches (8'-6") in height in the west side yard. **This height exceeds Village regulations for a fence in that location by two (2) feet.**
- (b) The Applicants seek to widen the driveway at the rear of the property for increased vehicle maneuverability. The existing driveway is wider than allowed in that location by approximately thirty (30) inches. The proposed widened driveway will be wider than allowed in that location by approximately forty-eight (48) inches, **for an increase of approximately eighteen (18) inches in width.**

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-22(e) states:

No person shall construct any fence or wall at any location between the front building restriction line and the rear property line nor along any rear property line having a height greater than six and one-half (6-1/2) feet. The measurement shall be made from the surface of the ground of the lower yard next to the fence or wall. With the written consent of the owner(s) of any adjoining property, a fence or wall of greater height than six and one-half (6-1/2) feet at its highest point, may be erected or permitted if a special permit is obtained from the Board of Managers.

Additionally:

The Chevy Chase Village Code § 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

APPLICABLE COVENANTS:

Not applicable; Verification of compliance with the property's covenants is not required for Special Permit requests authorized by Sections 8-22 [fences], 8-26 [driveways] or Article IV [Public Rights-of-Way] of the Village Code.

FACTUAL AND BACKGROUND INFORMATION:

Note: These appeal requests arose during preliminary review of plans submitted for an overall landscape and hardscape rejuvenation. The Applicants will require approval from the Historic Preservation Commission (HPC) and will be required to obtain additional applicable administrative permits.

CASE (A)

A request to the Board of Managers for a fence in excess of the allowable height is considered by the Board as a variance unless the Applicants obtain a letter of consent from the adjacent property owner, in which case the appeal can be considered as a special permit request. The Applicants have obtained that letter of consent (from the owners of 20 West Lenox Street- see enclosure) hence this case is considered as a special permit request.

The maximum allowable height for a fence in the proposed location is six and one-half (6-½) feet which is both a Montgomery County and Village height limit. The Applicants will file with the County Board of Appeals to obtain permission to exceed the County's maximum allowable height.

Typically, the Village Board of Managers would hear requests that require a County appeal subsequent to the Applicants having obtained the County Board of Appeals approval, however since the fence panels are part of a larger hardscaping project at the property involving other Village Board approvals, the Applicants are submitting the request at this time along with the other requests [Case A-6349 and Case A- 6350 (b)].



Figure 1: View of the west (side) yard. The proposed fence panels would be placed one on each side of the tree; one to the north (right) and one to the south (left).

The proposed fence panels will be cantilevered from the fence posts (see drawing provided by Applicants) so that the posts will not adversely impact the specimen White Oak tree in the west yard. The Village arborist has reviewed the drawing for this proposal and stated that it is acceptable as long as there is some flexibility regarding the location of the fence posts if roots are encountered (see enclosed Tree Protection Plan provided by the Village arborist).

The Village Code was modified in 2010 to provide regulation of arbors of open construction. An arbor in the side yard would be permitted to measure eight and one-half (8-½) feet in height. Because these proposed panels lack depth they cannot be considered as arbors and are subject to the height limits of fences.

The property is in the Chevy Chase Village Historic; the proposed fence panels will require approval from the Historic Preservation Commission (HPC); the Applicants are on the agenda for the June 12 HPC meeting.

Other than the letter received from the adjacent property owners, no letters of received from abutting neighbors regarding the installation of the fence panels.

CASE (B)

The Applicants propose to replace the entire asphalt driveway with new asphalt. The only portion that is proposed to be widened is at the rear of the property, to the left (east) of the existing garage.



Figure 2: View of the existing driveway looking south.



Figure 3: View of the existing driveway from the end of the house looking towards the garage (south). The arrow indicates the area which is proposed to be widened.



Figure 4: View from the rear yard looking north towards West Lenox Street. The arrow indicates the area which is proposed to be widened.

A diagram depicting the area of non-compliance, prepared by Staff, follows this report.

The existing driveway is wider than allowed in that location by approximately thirty (30) inches. The proposed widened driveway will be wider than allowed in that location by approximately forty-eight (48) inches, for an increase of approximately eighteen (18) inches.

The property is in the Chevy Chase Village Historic; the proposed driveway will require approval from the Historic Preservation Commission (HPC); the Applicants are on the agenda for the June 12 HPC meeting.

The residents of the abutting property to the east (16 West Lenox) are proposing to resurface their driveway in conjunction with the Applicants and have submitted a letter of support for the driveway widening at the subject property.

Other than the letter received from the adjacent property owners, no letters have been received from abutting neighbors regarding the driveway project.

Applicable Fees: Building Permit Application for Fences and Walls: \$30; Building Permit Application for Driveways and Features at Grade: \$30; Special Permit Application Fee: \$300.00; TOTAL: \$360.

RELEVANT PRECEDENTS; CASE (A):

Many cases heard by the Board involved requests for pergolas and arbors, which now have separate regulations (Section 8-22(h)). Specific to fences of a height greater than allowed, requests frequently included assemblies of fences mounted to walls. Precedents strictly for fences in excess of six feet six inches (6'-6") in height include:

Mr. & Mrs. Rudolph Kaufman, II of 11 Quincy Street **were granted a special exception to construct** an eight (8) foot high fence from the front building line along the western border of their property to the rear

property line (a distance of approximately seventy-five (75) feet). Prior to the special exception the fence was a stockade fence measuring four (4) feet in height to which an additional four (4) feet were added. In November of 1984 Mr. & Mrs. Robert Elliott of 17 West Irving Street were **granted a special exception to construct** a lattice fence measuring nine feet, six inches (9'-6") in height along the eastern border of their property. In October of 1989 Mr. & Mrs. Enzo Grilli of 3917 Oliver Street were **granted a special exception to construct** a fence measuring eight (8) feet in height along the eastern border of their property between their property and 3915 Oliver Street. In April 1990 Dr. & Mrs. Douglas Sprunt of 112 Newlands Street were **granted a special exception to attach** a twelve (12) inch lattice panel to the top of an existing fence measuring six (6) feet in height. In August of 1992 Mr. & Mrs. Ken Parrot of 5506 Grove Street were **granted a special exception to construct** a lattice screen fence and arbor measuring nine (9) feet in height at the highest point. In October 2011, Mr. & Mrs. John Gorman of 45 West Lenox Street were **granted a special permit to construct** a fence attached to a retaining wall, measuring a combined maximum of eleven feet, three inches (11'-3") in height along the north (rear) property line, diminishing in height to seven feet, nine inches (7'-9") along the west (side) property line and seven (7) feet along the east (side) property line. That assembly required approval from the Montgomery County Board of Appeals, which the Applicants did not obtain; hence the Village permit was not issued.

RELEVANT PRECEDENTS (CASE B):

Many of the precedents related to driveway special permit requests involve requests for circular driveways (which have more than one pair of curb cuts), requests for "turnarounds", or requests for aprons wider than allowed in front of two-car garages, none of which are applicable in this case. The most relevant precedents therefore are as follows: On November 9, 1999, Ms. Susan Gallagher and Mr. Michael Williams were **granted permission to expand** an existing driveway an additional fifteen (15) feet, increasing the total width of the driveway to forty-five (45) feet at the property line (this driveway abuts Brookville Road). In September 2010, Mr. & Mrs. Stephen C. Conley of 9 West Lenox Street were **granted a special permit to replace and expand** an existing gravel driveway with a paver driveway. The proposed apron and turnaround area would be located on private property and would have a maximum width of fifty-four (54) feet. On July 11, 2011,

Laura Billings and David O'Neil of 5803 Kirkside Drive were **granted permission to replace** an existing concrete driveway with a brick driveway that would measure a maximum of sixteen (16) feet in width in the Kirkside Drive public right-of-way and to **replace** an existing concrete driveway with a brick driveway that would measure a maximum of twenty (20) feet in width on private property. On March 18, 2013, Ms. Minh Le and Mr. Chris Dymond, of 3933 Oliver Street, were **granted permission to replace** an existing gravel driveway with a paver driveway that would measure a maximum of twenty-six (26) feet in width in the west front yard of the property. (The most recent case heard by the Board related to driveways was in May of 2013 and involved a request for a driveway that was wider than allowed in the public right-of-way, versus on the private property.)

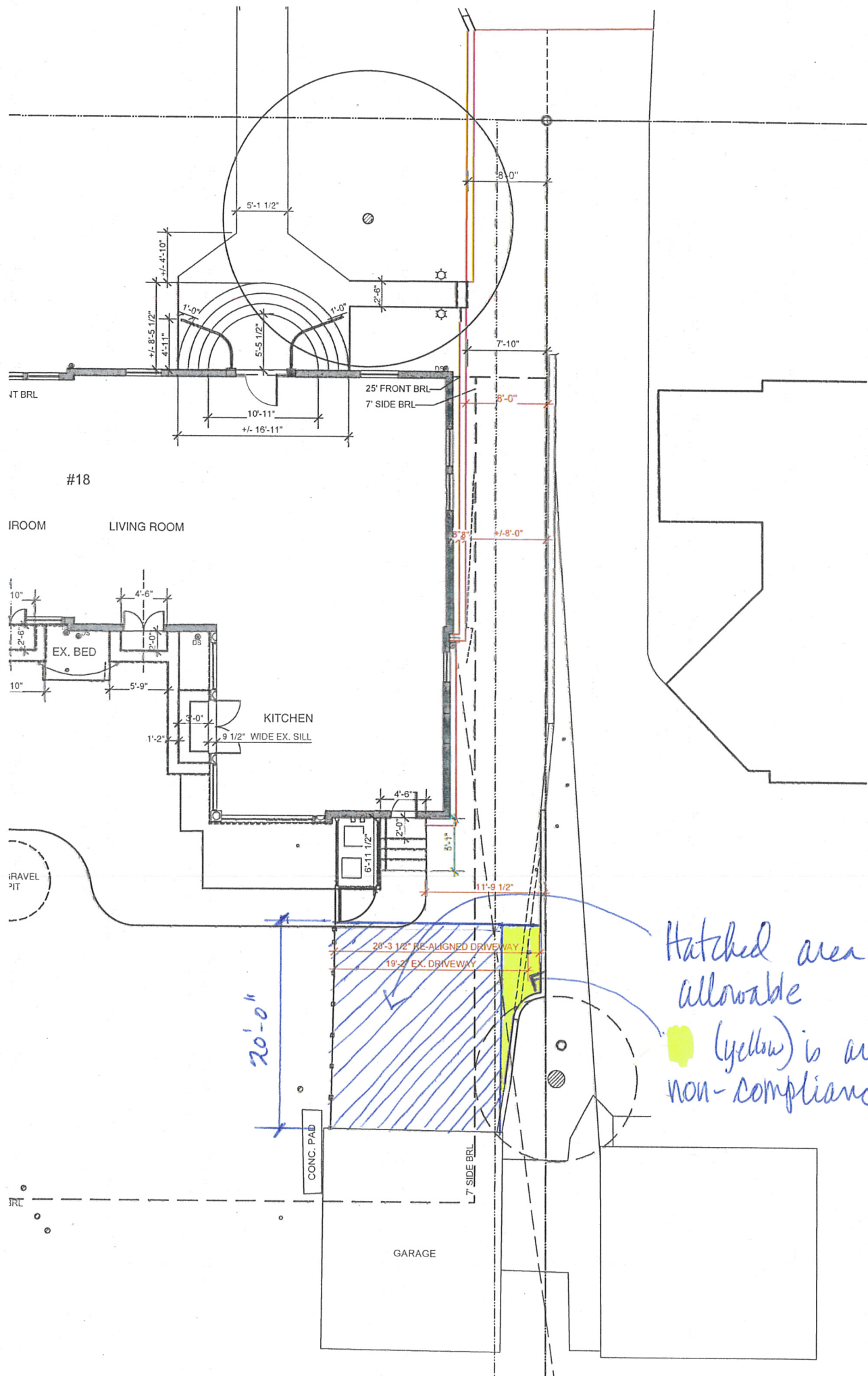
FINDINGS REQUIRED:

1. The proposed special permit would not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties;
2. The proposed special permit can be granted without substantial impairment of the intent and purpose of this chapter; and
3. For all special permits, except for special permits authorized by Sections 8-22, 8-26 or Article IV of this Chapter, the structure authorized by the proposed special permit would not violate any covenant applicable to the property [not applicable in this case].

Draft Motions

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request a) to construct two (2) proposed wood lattice fence panels that would measure a maximum of eight feet, six inches (8'-6") in height in the west (side) yard of the property in Case A-6350 (a), based on the findings that ...

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request b) to replace and widen an existing asphalt driveway, a portion of which would measure a maximum of twenty feet, three and one-half inches (20'-3 1/2") in width in Case A-6350 (b), based on the findings that ...



**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 10th day of June, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6350 (a & b)
PETER AND MEREDITH WELLINGTON
18 WEST LENOX STREET
CHEVY CHASE, MARYLAND 20815**

The applicants have filed a request for a special permit pursuant to Section 8-11 of the Chevy Chase Village Code to:

- a) Construct two (2) proposed wood lattice fence panels that would measure a maximum of eight feet, six inches (8'-6") in height in the west (side) yard of the property; and
- b) Replace and widen an existing asphalt driveway, a portion of which would measure a maximum of twenty feet, three and one-half inches (20'-3 ½") in width.

The Chevy Chase Village Code § 8-22(e) states:

No person shall construct any fence or wall at any location between the front building restriction line and the rear property line nor along any rear property line having a height greater than six and one-half (6-½) feet. The measurement shall be made from the surface of the ground of the lower yard next to the fence or wall. With the written consent of the owner(s) of any adjoining property, a fence or wall of greater height than six and one-half (6-½) feet at its highest point, may be erected or permitted if a special permit is obtained from the Board of Managers.

Additionally:

The Chevy Chase Village Code § 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

Additional information regarding this case may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 30th day of May, 2013.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

**Chevy Chase Village
Building Permit Application
for Fences & Walls**

Permit No: A-6350(a)

Property Address:

18 West Leux Street

Resident Name: Meredith and Peter Wellington

Daytime telephone: 301-986-9458

Cell phone: 301-580-4700

After-hours telephone: same as above

E-mail: MKWellington@gmail.com

Primary Contact for Project:

☒ Resident

☐ Architect

☐ Project Manager

☐ Contractor*

*MHIC/MD Contractor's License No. (required):

Primary Contact Information:

Name: Meredith Wellington

Daytime telephone: 301-986-9458 After-hours telephone: 301-580-4700

E-mail: MKWellington@gmail.com

Description of Fence or Wall Project:

2 lattice panels along west property line - each panel is 10' wide and 8'6" tall. See drawings & A/C enclosure fence

Check appropriate box:

Fence or wall to be constructed is: (1) new, (2) an enlargement of an existing fence or wall, or (3) replacing an existing fence or wall with one of a different kind.

Fence or wall to be constructed is replacing an existing fence or wall with the same kind and in the same location.

Parking Compliance:

Is adequate on-site parking available for the construction crews?

Yes

No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons?

Yes

No

To be completed by Village staff:

Is this property within the historic district?

Yes

No

Staff Initials: gg

Date application filed with Village: 5/20/13 Date permit issued: _____ Expiration date: _____

Guidelines for Building, Replacing and Maintaining Fences and Walls

Sec. 8-22 of the Village Code regulates fences and walls. To repair or maintain an existing fence or wall, the Village does not require a building permit. To install or replace a fence or wall, however, residents will need a Village building permit. (A building permit may also be required from Montgomery County, including the Historic Preservation Commission if the property is within the Historic District). Village Code allows fences and walls to be installed on a resident's property lines, inside the property lines on private property, and sometimes in the public right-of-way.

When placed on the property lines or on private property, the Village Code regulates fence and wall heights in two ways:

1. Fences and walls installed on private property anywhere between the property line and the front building restriction line may not exceed four feet (4') in height.
2. Fences and walls installed to the rear of the front building restriction line (that is, along the side and rear property lines or in the side and rear yards) may not exceed six and one half feet (6½') in height.

When measuring the height of a fence or wall, the Village Code provides that the "measurement shall be made from the surface of the ground of the lower yard next to the fence or wall" **to the highest point of the fence or wall** (such as the top of the posts, caps, decorative lattice, finials, etc.). For example, if a fence post is 6½ feet high, then a cap on that post would exceed the height limit.

Walls can sometimes change the flow of water on a property. In such cases, residents or contractors will need to include a drainage plan with the building application.

When installing a fence or wall in the Village's public right-of-way, in addition to obtaining a Village Building Permit, residents must sign a **License to Use the Public Right-of-Way**, which will be recorded with your deed (please contact the Village office for more information). Fences and walls installed in the Village's rights-of-way may not exceed four feet (4') in height. Fences in the Village's rights-of-way must be installed at least two feet (2') from the public sidewalk, or where there is no sidewalk, at least five feet (5') from the curb or nearest edge of the paved roadway. Walls in the Village's public rights-of-way must be installed at least three feet (3') from the public sidewalk, or where there is no sidewalk, six feet (6') from the curb or nearest edge of the paved roadway. The Village office will not issue permits for any fences or walls that block necessary sight lines at intersections or otherwise create a dangerous condition.

For all Village Code requirements, please see to Sections 8-4, 8-22, and 8-31.

**Building Permit Application for Fences and/or Walls:
Filing Requirements**

Application will not be reviewed until the application is complete

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☒ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☒ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☒ Filing Fee (due at time of application). Fee schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising any service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: Meredith Wellington **Date:** 5-15-13

For Use By Village Manager	Application approved with the following conditions:
DENIED MAY 20 2013 Chevy Chase Village Manager	Application denied for the following reasons:
	<i>Since the proposed lattice panels shall be interpreted as a fence and exceed the maximum allowed height for same.</i>

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: <input checked="" type="checkbox"/> \$30.00 (if fence or wall is new, enlarged or replaced with different kind) <input type="checkbox"/> \$15.00 (if fence or wall is being replaced in-kind and in the same location) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	
Tree Preservation Plan Fee: <input checked="" type="checkbox"/> \$250.00 <input type="checkbox"/> Not required for this project	
TOTAL Fees: 250.00	Date: 5/20/13 Staff Signature: <i>[Signature]</i>
Damage Deposit/Performance Bond <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Staff Signature:

For Village Staff use: Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: _____)

Chevy Chase Village
Building Permit Application for
Driveways and Other Features at Grade

Permit No:

A-6350 (b)

Property Address: 18 West Lenox Street

Resident Name: Meredith and Peter Wellington

Daytime telephone: 301-986-9458

Cell phone: 301-580-4700

After-hours telephone: same as above

E-mail: MKWellington@gmail.com

Primary Contact for Project:

☒ Resident

☐ Architect

☐ Project Manager

☐ Contractor*

*MHIC/MD Contractor's License No. (required):

Primary Contact Information: Meredith Wellington

Name:

Daytime telephone:

After-hours telephone:

E-mail:

see above

Check all that apply:

☒ Driveway (If a new curb cut is required, note additional fee.)

☒ Walkway

☒ Patio, terrace, or deck at grade

Check all appropriate boxes:

Feature is: ☐ new;

☒ an enlargement of an existing feature; and/or

☒ being relocated.

☐ Feature is a replacement in-kind and in the same location.

Description of project: Replace and improve: ① walkway from drive way to front steps, ② walkway from driveway to terrace, ③ terrace, and ④ repave driveway.

To be completed by Village staff:

Is this property within the historic district?

Yes

No

Staff Initials: ES

Date application filed with Village: 5/20/13

Date permit issued: _____

Expiration date: _____

Guidelines for Building, Replacing and Maintaining Driveways

Village Code states that any person intending to install, replace or alter a driveway, or any material part thereof, must first obtain a Building Permit from the Village office. (Residents within the Historic District must also obtain a Historic Area Work Permit; please contact the Historic Preservation Commission directly.)

Driveways are regulated in three areas: (1) the portion of the driveway located on private property, (2) the portion of the driveway that crosses the public right-of-way, and (3) the driveway apron, which is the portion of the driveway that meets the public street. Please refer to the illustration below for an example of these components.

(1) Driveways on Private Property

Driveways on private property may be installed using any material the resident chooses (although residents within the Historic District must consult with HPC), provided that the driveway does not exceed fifteen feet (15') in width. Village Code allows residents to install a wider garage apron—the section of a driveway just forward of a garage—for two-car garages. The apron in front of a two-car garage may extend the full width of the two-car garage for a distance up to twenty feet (20') from the face of the garage. The Code applies this accommodation only for two-car garages.

(2) Driveways on the Public Right-of-Way

All driveways must cross the public right-of-way to access the street, but where private property ends and the public right-of-way begins ends is not always consistent from street to street, and may even vary from block to block (as discussed above). The first step is to determine where the right-of-way begins in front of your property. Your proposed driveway cannot exceed ten feet (10') in width where the driveway crosses the right-of-way. Also, if your driveway (whether new or replacement) crosses or intersects with a public sidewalk, the sidewalk material must be restored/maintained across the driveway so as to create a continuous public sidewalk of consistent material type.

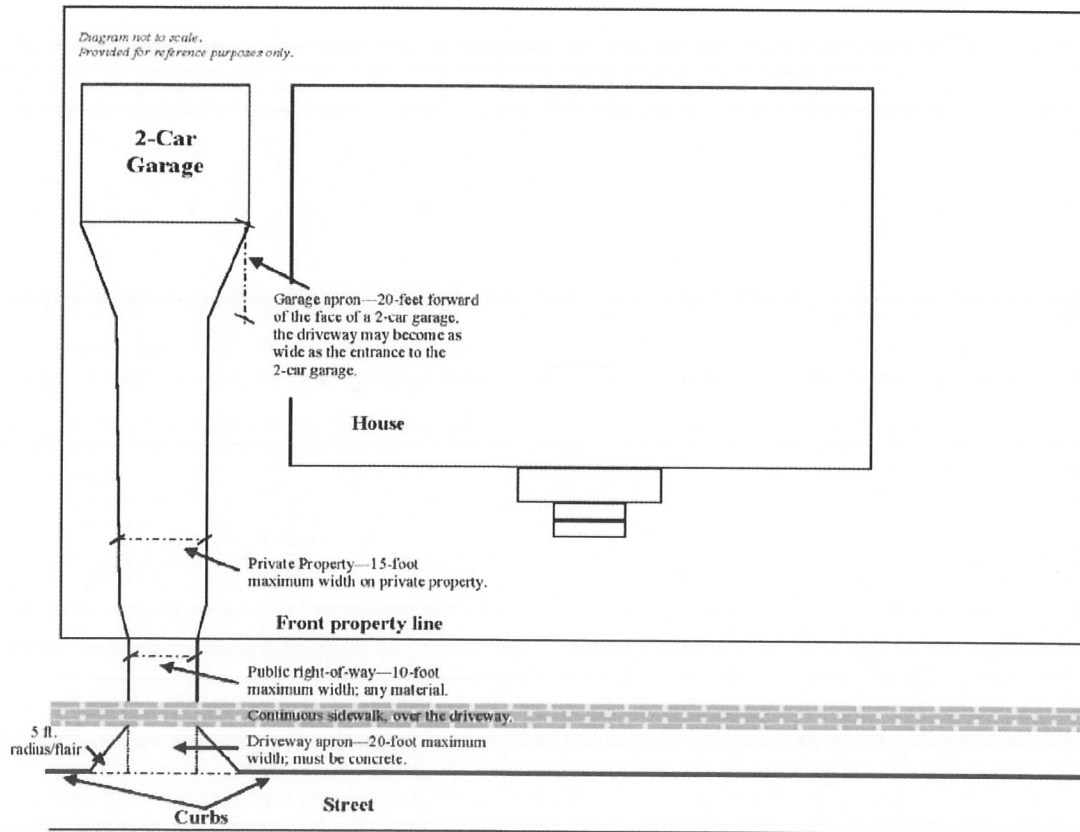
(3) Driveway Aprons

The driveway apron is the portion of the driveway that meets the public street. In addition to the ten foot (10') maximum width of the driveway where the driveway crosses the public right-of-way, the Village Code allows a five foot (5') radius on either side to establish the driveway apron, thereby allowing a maximum width at the curb of twenty feet (20'). While driveways on private property may be installed in any material or color that residents choose, the Village Code specifies that the driveway apron must be installed using concrete in accordance with current Montgomery County standards. Thus, no matter the material used for the driveway itself, the apron must be concrete.

Village Code limits the number of curb cuts permitted per property to one. Accordingly, residents who wish to install a circular driveway will need to request a variance from the Board of Managers.

Unlike other improvements in the public right-of-way, a **License to Use the Public Right-of-Way** is not required to install or replace driveways or driveway aprons. Replacement of a driveway apron is the sole responsibility of the adjoining property owner, not the Village.

Example:



Building Permit Application Filing Requirements

Application will not be reviewed until the application is complete

- ☐ Copy of stamped approved plans from Montgomery County.
- ☒ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness) showing exact location of existing and proposed features.
- ☒ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☒ Filing Fee (due at time of application). Fee schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days. If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed. No signs advertising any service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: Meredith Wellington **Date:** 5-15-13

For Use By Village Manager	Application approved with the following conditions:
DENIED MAY 20 2013 Chevy Chase Village Manager	Application denied for the following reasons:
	<i>Dana Beck</i>
	<i>The driveway exceeds the</i>
	<i>maximum allowed on</i>
	<i>private property.</i>

Filing Fees (due when application submitted)	Checks Payable to:
Permit Filing Fee: <input checked="" type="checkbox"/> \$30.00 (if new, enlarged or relocated) <input type="checkbox"/> \$15.00 (if a replacement in-kind and in the same location) <input type="checkbox"/> \$50.00 for new curb cut. <input type="checkbox"/> \$50.00 for construction in the Public Right-of-Way.	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Tree Preservation Plan Fee: <input checked="" type="checkbox"/> \$250.00 <input type="checkbox"/> Not required for this project	
TOTAL Fees: <i>\$280.00</i>	Date: <i>5/20/13</i> Staff Signature: <i>[Signature]</i>
Damage Deposit/Performance Bond <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: _____ Village Manager Signature: _____

For Village Staff use: Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: _____)
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MAILING LIST FOR APPEAL A-6350

**PETER AND MEREDITH WELLINGTON
18 WEST LENOX STREET
CHEVY CHASE, MD 20815**

Mr. & Mrs. Daniel Coughlan Or Current Resident 20 West Lenox Street Chevy Chase, MD 20815	Ms. Stephanie Marcus & Mr. Jon Nuechterlein Or Current Resident 16 West Lenox Street Chevy Chase, MD 20815
Mr. & Mrs. John J. Ryan Or Current Resident 33 West Lenox Street Chevy Chase, MD 20815	Mr. & Mrs. Steven Laufer Or Current Resident 15 West Lenox Street Chevy Chase, MD 20815
Ms Margot Humphrey Or Current Resident 25 West Kirke Street Chevy Chase, MD 20815	

I hereby certify that a public notice was delivered to the aforementioned property owners on the 30th day of May 2013.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**

CHEVY CHASE VILLAGE

ESTABLISHED 1890

May 30, 2013

Mr. & Mrs. Peter Wellington
18 West Lenox Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Wellington:

Please note that your requests for a variance and special permits to reconstruct the front stoop, widen the driveway and install the fence panels in the west (side) yard at your property are scheduled before the Board of Managers on Monday, June 10, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notices and mailing lists. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS

PATRICIA S. BAPTISTE
Chair

MICHAEL L. DINGER
Vice Chair

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Secretary

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Assistant Secretary

GARY CROCKETT
Treasurer

ROBERT C. GOODWIN, JR.
Assistant Treasurer

ELISSA A. LEONARD
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

Materials in Reference to Case A-6350 (a)

Construct two (2) proposed wood lattice fence panels that would measure a maximum of eight feet, six inches (8'-6") in height in the west (side) yard of the property.

Chevy Chase Village

Application for a Special Permit

Chevy Chase Village Code Section 8-1(aa) defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.

Subject Property: 18 West Lenox Street	
Describe the Proposed Project: Place 2 lattice panels along west property line on either side of large white oak. Each panel is 10' wide and 8'6" tall. See drawings.	
Applicant Name(s) (List all property owners): Meredith and Peter Wellington	
Daytime telephone: 301-986-9458	Cell: 301-580-4700
E-mail: MKWellington@gmail.com	
Address (if different from property address):	
<i>For Village staff use:</i>	
Date this form received: 5-20-13	Special Permit No: A-6350(b)

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Special Permit (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants, except for special permits authorized by Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☒ Applicable special permit fee listed in Chapter 6 of the Village Code.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Meredith Wellington

Date: 5-15-13

Applicant's Signature: Peter Wellington

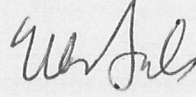
Date: 5/18/13

Describe the basis for the special permit request (attach additional pages as needed):

Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

In exercising its powers in connection with a special permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Special Permit Filing Fees	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$2,250.00 for demolition of main building. <input type="checkbox"/> \$300.00 for demolition of accessory building or structure. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. Fee Paid: \$ 300 .	Date Paid: 5/20/13 Staff Signature: 
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager

Application for a Special Permit for the Lattice Panels

1. Reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of the adjoining properties:

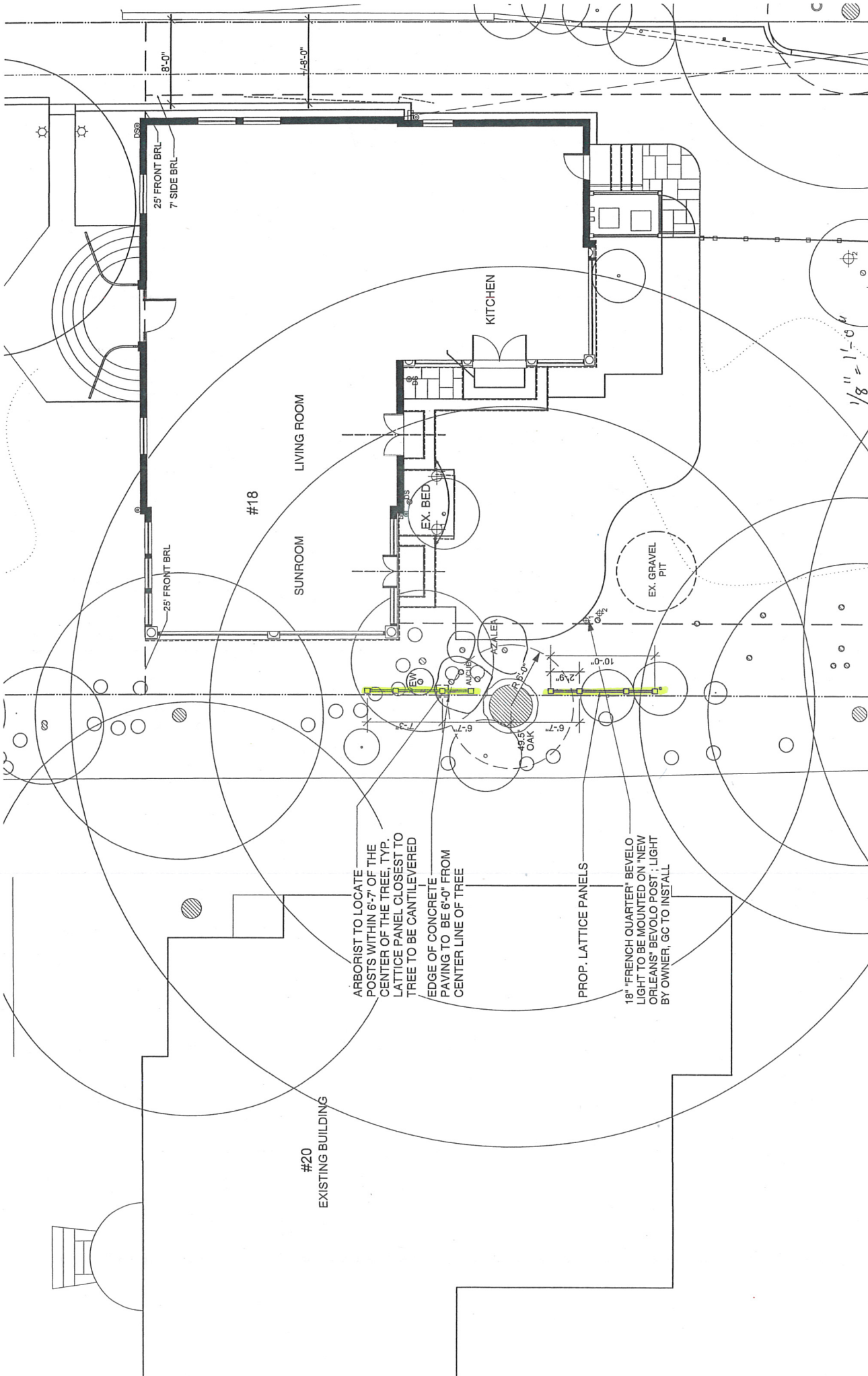
There was a recent change to our home's environmental setting with the completion of an addition to the west of our home at 20 West Lenox. Some views into the rear of that garden and other gardens on Magnolia Parkway have been altered and open views of earlier green space have been replaced with an addition.


With the loss of green space and open views we, along with our neighbor, would like to increase the extent of green plantings between the properties. We first explored simply planting more buffering plants—like *steplechase arborvitae*--but the presence of a mature 35" diameter specimen white oak straddling the property line between our kitchen/family room and neighbor's addition makes it difficult to plant screening plants, or plants of any size, under the oak. The whole decision of how to create a green buffer is driven by the dictates of protecting the oak, and rightly so.

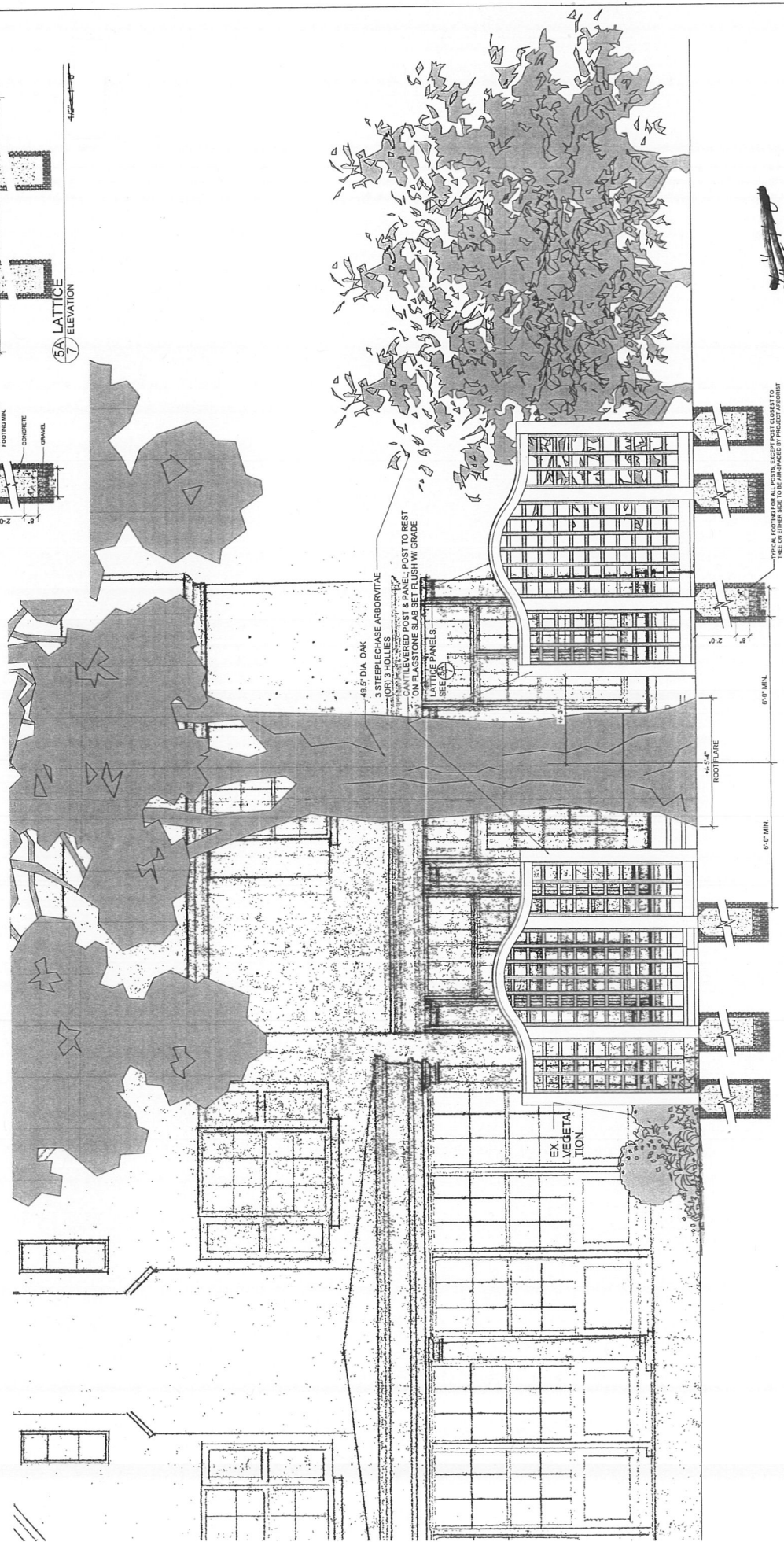
We believe that the least intrusion on the oak that will also increase the green in our environmental setting would be the lattice panels covered in vines and painted dark green black. This is so because the posts for the lattice panels take up much less ground space than the root balls of new plants. As a result, the lattice panels may be placed much closer to the oak tree than any plantings that could provide any screening.

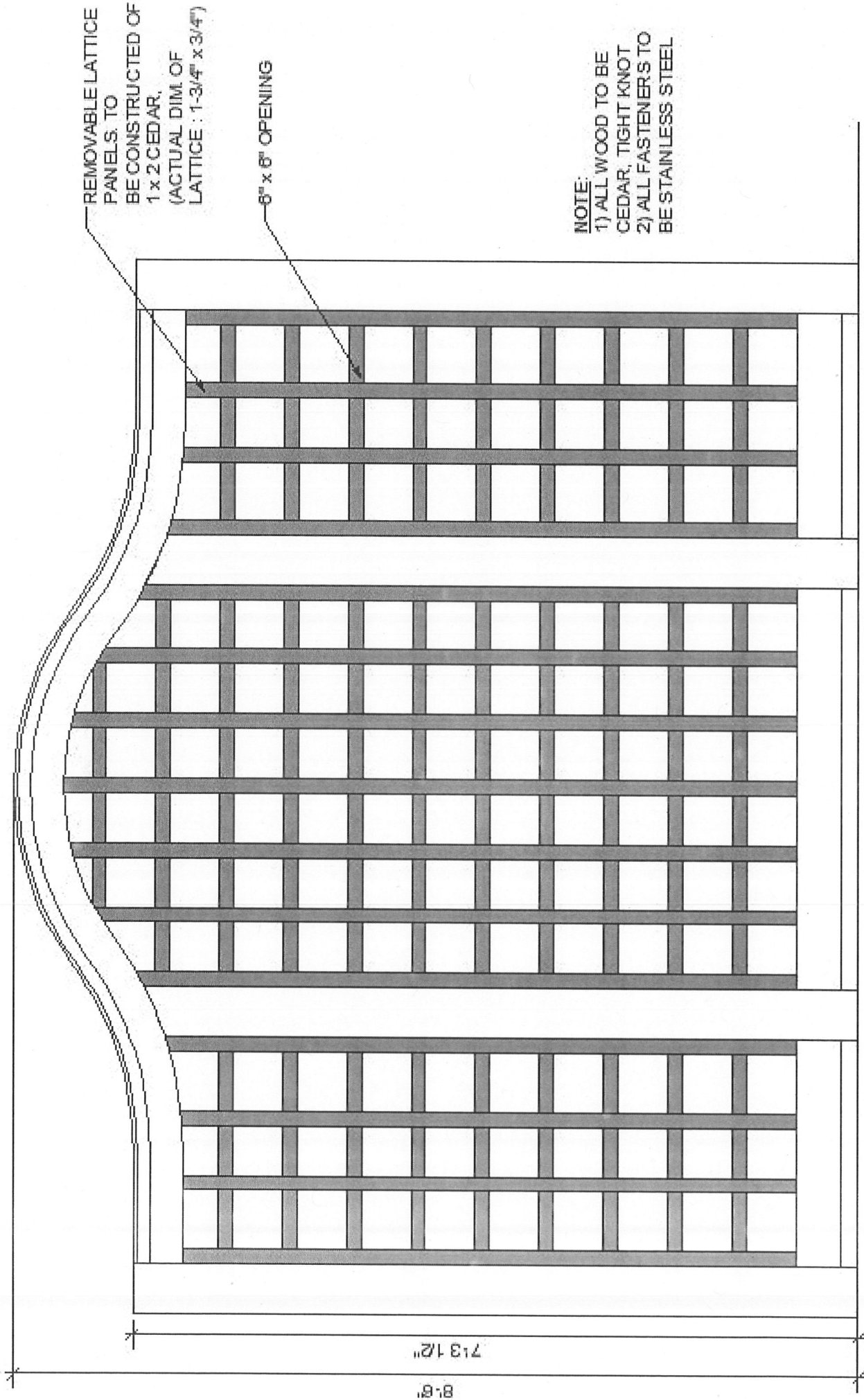
2. Why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Village Code, entitled *Buildings and Building Regulations*:

The lattice panels will serve a special purpose of enhancing the park like setting in the Village, by being the means by which there can be increased greenery in an area that otherwise cannot support more greenery. The panels will be in the back yard on our property line, and they will only be in the area where other plants cannot grow. For the rest of the boundary we will have other kinds of landscaping.



 NORTH
N.T.S.





NOTE:

- 1) ALL WOOD TO BE CEDAR, TIGHT KNOT
- 2) ALL FASTENERS TO BE STAINLESS STEEL

1 LATTICE

1 ELEVATION

1/2" = 1' - 0"




May 24, 2013

Dear Chevy Chase Village:

We have reviewed the plans for the proposed lattice panels at 18 West Lenox. The panels are to be placed on our neighbor's property on either side of the oak tree that straddles the property line. We understand that the panels will be 8' 6" in height, two feet taller than the standard fence.

We have no objection to the panels, and give our consent.

Sincerely,



Dan and Kris Coughlan
20 West Lenox Street
Chevy Chase, MD

Feather & Assoc.

Tolbert V. Feather, Ph.D.

*Advisors for: Landscape Development
Landscape Management, Plant Pest Management*

Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

June 4, 2013

Tree Protection Plan – 18 West Lenox

The building permit is issued on condition that the Owner complies with tree preservation plan shown on the attached sheet and as stated below.

Attached is a map of the tree protection plan for the residence at 18 West Lenox St.

This plan is for installation of the proposed fence only.

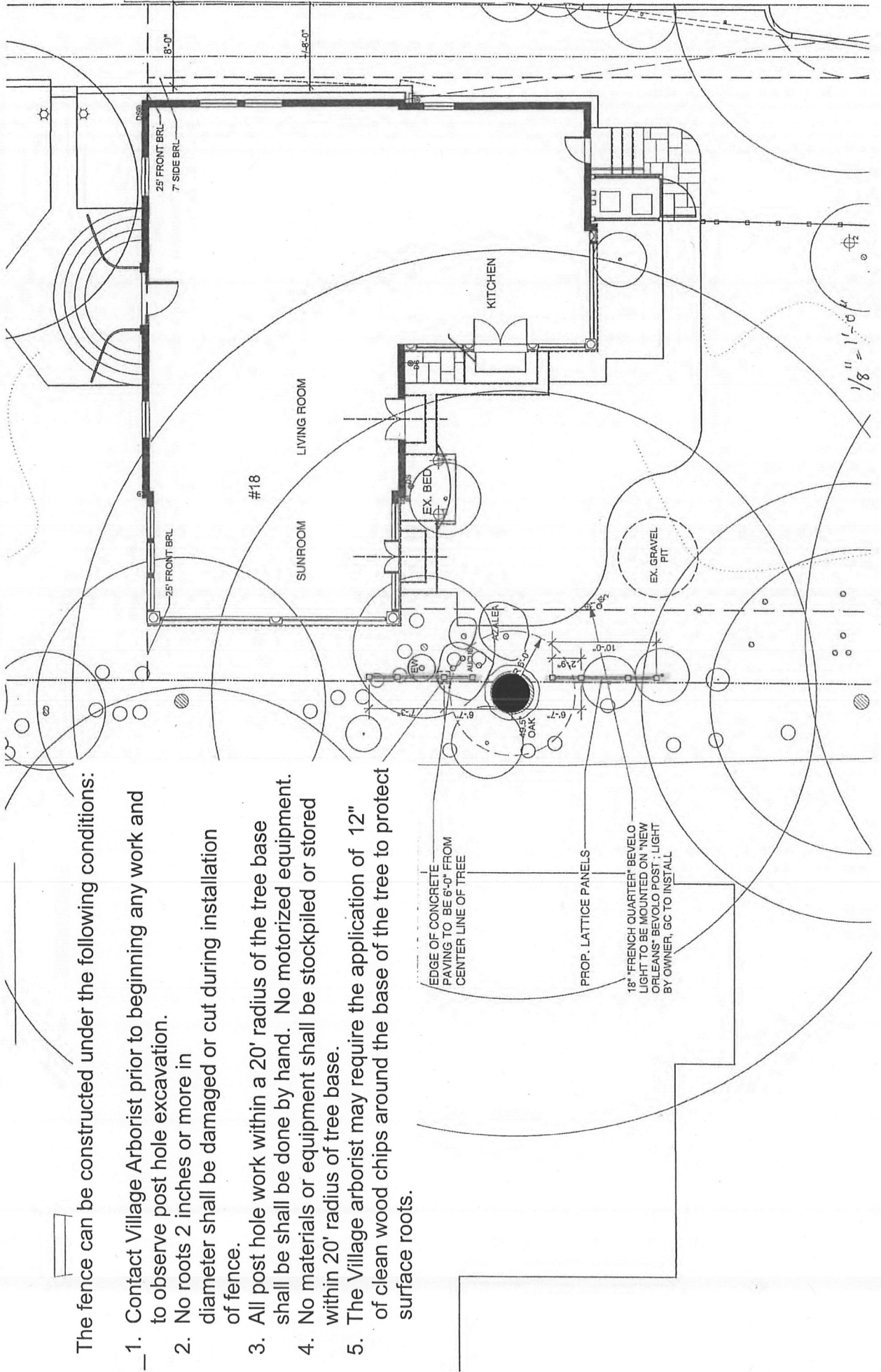
Tree protection shall include:

1. Contact Village Arborist prior to beginning any work and to observe posthole excavation.
2. No roots 2 inches or more in diameter shall be damaged or cut during installation of fence.
3. All post hole work within a 20' radius of the tree base shall be done by hand. No motorized equipment.
4. No materials or equipment shall be stockpiled or stored within 20' radius of tree base.
5. The Village arborist may require the application of 12" of clean wood chips around the base of the tree to protect surface roots.

West Lenox

The fence can be constructed under the following conditions:

1. Contact Village Arborist prior to beginning any work and to observe post hole excavation.
2. No roots 2 inches or more in diameter shall be damaged or cut during installation of fence.
3. All post hole work within a 20' radius of the tree base shall be done by hand. No motorized equipment.
4. No materials or equipment shall be stockpiled or stored within 20' radius of tree base.
5. The Village arborist may require the application of 12" of clean wood chips around the base of the tree to protect surface roots.



Materials in Reference to Case A-6350 (b)

Replace and widen an existing asphalt driveway, a portion of which would measure a maximum of twenty feet, three and one-half inches (20'-3 ½") in width.

Chevy Chase Village

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Subject Property: 18 West Lenox Street	
Describe the Proposed Project: We are repaving our drive way. In doing so, we would like to widen it slightly in the back to make it safer to back out. See the attached drawing.	
Applicant Name(s) (List all property owners): Meredith and Peter Wellington	
Daytime telephone: 301-986-9458	Cell: 301-580-4700
E-mail: MKWellington@gmail.com	
Address (if different from property address):	
For Village staff use:	
Date this form received: 5-20-13	Special Permit No: A-6350

Filing Requirements:

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- ☒ Copy of Covenants, except for special permits authorized by Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code. We are under 8-26.
- ☒ Applicable special permit fee listed in Chapter 6 of the Village Code.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Meredith Wellington

Date: 5-15-13

Applicant's Signature: Peter Wellington

Date: 5/18/13

Describe the basis for the special permit request (attach additional pages as needed):

Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

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	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager

Application for a Special Permit for the Driveway

1. Reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of the adjoining properties:

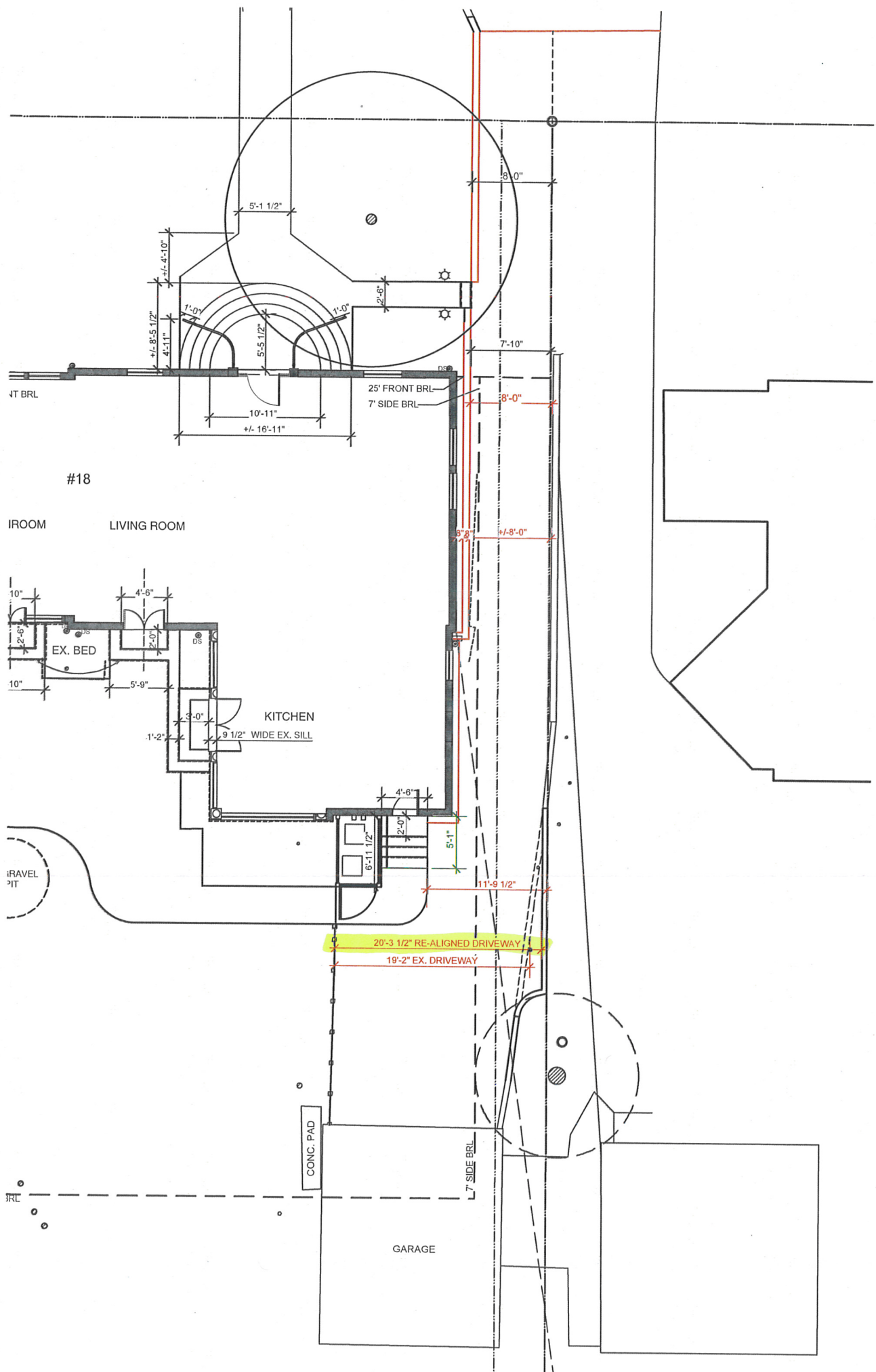
We have made no changes to the driveway since we purchased the house in 1984, except for adding the brick border along the east façade of our house. We are now asking for a special permit to make a minor adjustment to the width of the driveway at the rear of the property to make it easier and safer to back out of our driveway.

The configuration of the driveway bears almost no relationship to the current standard for driveways in the Village code. Because it was built long before the code, it is too wide (more than 15') in the section behind the house, and much too narrow in the section between the house and a large concrete bumper. It narrows to 8'1", 7' 5 1/2", and then 7' closer to the street. Over the years we have scraped the car on the house, and damaged the undercarriage of the car by going over the bumper, while merely trying to back out.

Our goal in all parts of our project is to keep everything as much the same as possible within a standard of what is safe and prudent. With this in mind, the driveway will only be widened 1'9" near the garage, and the loss of approximately 22 square feet of English ivy groundcover will be mitigated by landscape improvements to the planted island between the two driveways. The widening will help a driver line up the car to steer clear of the corner of the house, and back out more easily within the narrow confines of the house and bumper.

2. Why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Village Code, entitled *Buildings and Building Regulations*:

This small change will be barely perceptible to passersby and even to people up close to it. The driveway will be paved in the same materials, the raised planted island will be there, and landscaping in the island will be preserved and enhanced. All of this will maintain the park-like setting of which we are all so proud.



May 17, 2013

Pat Baptiste, Chair
Board of Managers
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

Dear Chair and Members of the Board:

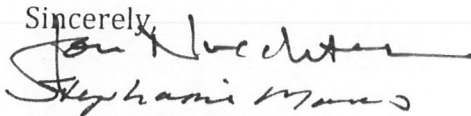
We live at 16 West Lenox Street, and we share a driveway with Meredith and Peter Wellington at 18 West Lenox Street. We are writing in support of their request for a special permit under Sec. 8-26 of the Village Code.

The change that they are requesting—widening their driveway a sliver—will make it safer and easier for them to back out while still maintaining the character of the neighborhood and the park-like setting for which the Village is well-known. We are working together to repave both of our driveways, and our intent is to keep the driveways as close to the existing as possible, including the landscaping in the small esplanade that separates our driveways as one approaches the garage.

We see the safety benefit of this minor widening. We also have to deal with a narrow driveway, but, unlike the Wellingtons, we are able to turn around and drive out, rather than back out. We have seen how difficult it is for them to back out of a similarly narrow driveway without coming too close to either their house or the large bumper. It is a challenge!

Thank you for your consideration.

Sincerely,



Jon Nuechterlein
Stephanie Marcus
16 W. Lenox St.
Chevy Chase, MD 20815